

46252X00 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Y. SUGIMOTO, et al.
Serial No.: 10/582,960
Filed: JUNE 15, 2006
For: BACK LIGHT DEVICE AND LIQUID CRYSTAL DISPLAY DEVICE
Group AU: 2875
Examiner: Laura K. Tso
Confirm. No: 8873

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 10, 2008

Sir:

In response to the Office Action mailed April 10, 2008, Applicants respectfully submit the following Remarks; and also submit the enclosed English translation of Japanese Patent Application No. 2003-422836 (which is the Japanese Priority Application for the above-identified application), together with a Declaration as to accuracy of this translation. As will be shown infra, it is respectfully submitted that the enclosed English translation perfects priority under 35 U.S.C. §119, and establishes a date of invention for the above-identified application prior to the publication date of International (PCT) Published Application No. WO 2004/079258, whereby No. WO 2004/079258 is obviated as prior art in connection with the above-identified application. As No. WO 2004/079258 is the sole reference applied in the prior art rejections in the above-identified application, such rejections must fail on this basis alone.

Initially, Applicants thank the Examiner for the indication of allowance of claims 2, 3 and 14-20, and the indication that claims 5, 10 and 12 would be allowable if set forth

in independent form, on pages 4 and 5 of the Office Action mailed April 10, 2008. As shown infra, as No. 2004/079258 does not constitute prior art, it is respectfully submitted that claims 5, 10 and 12 should be allowed as is, without the need for being set forth in independent form.

Thus, note that Applicants have provided the necessary claim for priority based on Japanese Patent Application No. 2003-422836, filed in Japan on December 19, 2003, such priority claim being set forth in the Declaration and Power of Attorney for patent application submitted upon originally filing the above-identified application. The Examiner has acknowledged this claim for foreign priority, and has acknowledged receipt of the priority documents, in the Office Action mailed July 31, 2007, in the above-identified application.

In addition, and as indicated previously, enclosed herewith please find an English translation of this Japanese Priority Application, No. 2003-422836, together with a Declaration establishing accuracy of the translation. Accordingly, it is respectfully submitted that all procedural requirements of 35 U.S.C. §119 and 37 C.F.R. §1.55 have been satisfied, with respect to claiming priority of the filing date of No. 2003-422836, that is, December 19, 2003.

In addition, it is respectfully submitted that this English translation establishes that No. 2003-422836 supports the subject matter claimed in the above-identified application, within the meaning of the first paragraph of 35 U.S.C. §112. In this regard, note, for example, and not to be limiting, paragraphs [0016]-[0025] on pages 11-13, and paragraphs [0033]-[0048] on pages 15-21, of this English translation, together with the drawing figures referred to therein. Note also the subject matter claimed in the claims of No. 2003-422836, on pages 4-6 of the enclosed English translation. It is respectfully

submitted that this English translation establishes that the above-identified application should be accorded benefit of the filing date of No. 2003-422836, in connection with at least the subject matter claimed in the rejected claims in the Office Action mailed April 10, 2008, that is, claims 1, 4, 6-9, 11 and 13. Thus, it is respectfully submitted that the subject matter of claims 1, 4, 6-9, 11 and 13 are to be accorded benefit of a filing date of December 19, 2000.

Moreover, it is respectfully submitted that International (PCT) Publication No. WO 2004/079258 has a publication date of September 16, 2004, after the benefit filing date accorded rejected claims in the above-identified application.

In view of the foregoing, it is respectfully submitted that No. WO 2004/079258 does not constitute prior art in connection with the above-identified application. Reconsideration and withdrawal of No. WO 2004/079258 as prior art is respectfully requested; and upon withdrawal thereof, all prior art rejections in the above-identified application must fall.

Applicants do not address herein the merits of the prior art rejections, or arguments by the Examiner in connection therewith, for purposes of conciseness, as the rejections clearly must fall since the sole applied reference is not prior art. Lack of further discussion does not constitute agreement with, or an admission as to propriety of, any contention made by the Examiner in connection with the prior art rejections.

In view of the foregoing comments and submission of the verified English translation of the Japanese Priority Application for the above-identified application, reconsideration and allowance of all claims presently pending in the above-identified application are respectfully requested.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 1204.46252X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By /William I. Solomon/
William I. Solomon
Registration No. 28,565

WIS/kmh
1300 N. 17th Street, Suite 1800
Arlington, Virginia 22209
Tel: 703-312-6600
Fax: 703-312-6666